IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEROY PORTER, : CIVIL NO. 1:14-CV-1675

Plaintiff : (Judge Rambo)

v. : (Magistrate Judge Mehalchick)

DONNA ZICKEFOOSE, Warden, *et al.*,

Defendants

ORDER

Before the court is an August 10, 2015 report and recommendation (Doc. 30) by the magistrate judge to whom this matter was referred in which she recommends that Defendants' motion to dismiss and/or for summary judgment (Doc. 19) be granted in part and denied in part, and that Plaintiff's motion for an evidentiary hearing (Doc. 26) be denied. Objections to the report and recommendation were due no later than August 27, 2015 and, to date, no objections have been filed.

Therefore, upon independent review of the record and the applicable law, IT IS HEREBY ORDERED THAT:

- 1) The court adopts the report and recommendation of Magistrate Judge Mehalchick (Doc.30).
- 2) Defendants' motion to dismiss and/or for summary judgment (Doc. 19) is **GRANTED IN PART** and **DENIED IN PART** as follows:

c+'F ghgpf cpvuø'o qvkqp'hqt'uwo o ct{'Iwf i o gpv'ku'**DENIED**''cu'kv r gtvckpu'vq'Rqtvgtøu'gzeguukxg'hqteg''encko ''ci ckpuv'F ghgpf cpv'O wyi ngt. y kyi qwv'r tglwf keg''vq'hkrkpi ''c''uwdugs wgpv'o qvkqp'hqt''uwo o ct{'Iwf i o gpv chvgt'f kueqxgt{''j cu''dggp''eqo r ngvgf = ''cpf

 $\label{eq:continuous} d+F ghgpf cpwø'o qwkqp'\q'f kuo kuu'cpf lqt'hqt'uwo o ct { 'lwf i o gpv'ku} $$ GRANTED'cu'\q'cm'qvj gt'F ghgpf cpwl'cpf 'F ghgpf cpwl'Egtpg{ .'Ergpnk} $$ Etki .'Gff { .'I cdtkgnuqp.'I gcvj .'I qwgpuvgkp.'I wi j gu.'Igpnkpu.'Iqj puqp. $$ O ctt.'Uj kr quj .'Uko r ngt.''Vgo r ng.''cpf' \ kenghqug''ctg'f kuo kuugf 'htqo ''vj ku cevkqp0 $$$

4+'Rnckpvkthøu'o qvkqp'hqt'cp''gxkf gpvkct { ''j gctkpi '*F qe048+'ku''**DENIED**0 5+'Vj ku'o cvgt'ku'tgo cpf gf ''vq'O ci kntcvg'Lwf i g'O gj cnej ken0

''''''''''Wpk.gf ''Uvc.ygu'F kunt lev'Lwf i g

F cvgf <"Ugr vgo dgt '4."42370